

**TENTATIVE AGENDA  
MEETING OF THE CITY COUNCIL  
CITY OF LADUE, MISSOURI  
COUNCIL CHAMBERS  
9345 CLAYTON ROAD  
LADUE, MISSOURI 63124  
MONDAY, JULY 17, 2017  
4:00 P.M.**

The Hon. Nancy Spewak, Mayor, to preside and call the meeting to order.

Adoption and Approval of the Agenda.

**Approval of the Minutes:** Minutes of the Regular and Closed Meetings of June 19, 2017.

**Employee Service Award Presentation – Police Department**

**Public Forum:** The Mayor will recognize any visitors who wish to address the Mayor and Council on City matters. **(Speakers will be limited to 3 minutes)**

**Public Hearings:**

**PH1:** The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a Special Use Permit to extend the existing Special Use Permit for Rock Hill Quarries for an additional five years. The property is located at 1200 North Rock Hill Road.

**PH2:** The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a text amendment to the Zoning Ordinance (#1175) regarding requirements for outdoor display and sales of materials.

**PH3:** The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a text amendment to the Zoning Ordinance (#1175) to require that all non-residential uses over 7,500 square feet are required to obtain a Special Use Permit.

**Zoning and Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for consideration of regulating short-term rentals.

**Old Business:** None

**New Business:**

**Proposed Legislation:**

**Bill No. 2159** – An ordinance amending Section III of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri, concerning requirements for outdoor display of merchandise in the City of Ladue.

**Bill No. 2160** – An ordinance amending Section VII of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri, to require that all new non-residential developments that will involve the construction of over 7,500 square feet of floor area within a building are required to obtain a special use permit.

**Bill No. 2161** – An ordinance approving the “Boundary Adjustment of Lots 2 and 3 of New St. Louis Country Club Subdivision”.

**Bill No. 2162** – An ordinance approving the “East Ladue Lane Subdivision” Plat.

**Resolution No. 2017-13** – A resolution amending the City of Ladue Personnel Administration Manual “Subject – Organization for Personnel Management” by replacing the existing Organizational Chart with an updated Organizational Chart.

**Resolution No. 2017-14** – A resolution amending the City of Ladue Personnel Administration Manual by establishing a policy for administration of the Employee Assistance Program.

**Resolution No. 2017-15** - A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Microsurfacing Contractors, LLC for the 2017 microsurfacing project.

**Resolution No. 2017-16** - A resolution adopting the 2017 five-year implementation program for the City of Ladue as part of the Storm Water Management Program.

**Resolution No. 2017-17** – A resolution authorizing the Mayor to execute tolling agreements and granting further authority.

**Financial Matters:**

- F-1** Report of the Finance Director regarding significant items in the financial reports.
- F-2** The Mayor and Council to review and approve the Vouchers for Payment for the month of June 2017.
- F-3** The Mayor and Council to review the combined Treasurer's and Collector's Report for June 2017.
- F-4** The Mayor and Council to review the Financial Report for June 2017.
- F-5** The Mayor and Council to review the Cash Flow Summary for June 2017.
- F-6** The Mayor and Council to review the Land Lots and Delinquent Tax List.

**Department Reports:**

- D-1 Fire Department:** Mayor and Council to review the Fire Department Activity Report for the month of June 2017.
  - a. Construction Management Report - Fire House No.1.
- D-2 Police Department:** Mayor and Council to review the Police Activity Report for the period of January 1 – June 30, 2017.
  - a. Request for approval to authorize the Police Chief to purchase a portable LiveScan fingerprint unit and two MorphoIDent devices from MorphoTrak at a cost of \$10,750.00.
- D-3 Public Works:** Mayor and Council to review the report of the Director of the Public Works Department.
  - a. Request for approval to authorize the Public Works Director to purchase seven new steel leaf boxes from Contractors Welding at a cost of \$34,440.00.
  - b. Request for approval to authorize the Public Works Director to purchase a John Deere 310SL HS Backhoe from Erb Equipment at a cost of \$126,087.52.
  - c. Building Office report for the period through June 2017.
- D-4 Municipal Court:** Mayor and Council to review the report of the Municipal Court for June 2017.
- D-5 Administration/City Clerk:**
  - a. Request for approval of an agreement between the City of Ladue and STL Programs for publication of a 2018 Ladue Community Directory.
  - b. Report from the City Attorney.
- D-6 Appointments:** None.

**Adjournment:** Next meeting dates: Monday, August 21, 2017 and Monday, September 18, 2017.

**Note:** Pursuant to Section 610.022 RSMO., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMO. and/or personnel matters under section 610.021 (13) RSMO. and/or employee matters under section 610.021 (3) RSMO. and/or real estate matters under section 610.021 (2).

Posted Date: 7/14/17

Time: 7:20 A.M. By: J. R. Riden

BILL NO. 2159

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION III OF ORDINANCE 1175, THE ZONING ORDINANCES OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, CONCERNING REQUIREMENTS FOR OUTDOOR DISPLAY OF MERCHANDISE IN THE CITY OF LADUE.

**WHEREAS**, businesses in the City of Ladue may benefit from being allowed to display merchandise outside of their stores; and

**WHEREAS**, it is in the best interests of the City to establish certain rules and limitations on outdoor display of merchandise so as not to create a public health or safety hazard or a public nuisance; and

**WHEREAS**, the Zoning and Planning Commission discussed the new requirements for the outdoor display of merchandise at their public meetings on May 24<sup>th</sup> and June 28<sup>th</sup>, 2017; and

**WHEREAS**, after recommending changes to the code updates, the Zoning and Planning Commission voted to recommend approval of the code changes included herein by a vote of 4 in favor, 0 opposed at the June 28<sup>th</sup> meeting; and

**WHEREAS**, a duly noticed and published public hearing was held on July 17, 2017, regarding the proposed amended regulations in conformity with all requirements of Section 89.060 of the Missouri Revised Statutes and Zoning Ordinance 1175; and

**WHEREAS**, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to passage; and

**WHEREAS**, it has been determined that the passage of this bill is in the best interests of the City of Ladue.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

SECTION 1. Amend Section III A. (3) of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri to remove the last two sentences in item (h), and add an additional sentence, as follows:

(h) Not more than 40 percent of the total floor area of any building or group of buildings on a lot used for any of the above uses shall be devoted to storage purposes. The half story or any space above the second story of any building shall not be used for storage or for any other activity. ~~All storage of products or materials shall be completely enclosed in a building. Outdoor sales and outdoor display of merchandise are not permitted.~~ Limited outdoor storage and display of merchandise shall be allowed according to the following subsection entitled "Outdoor Display of Materials."

SECTION 2. Amend Section III A. (3) of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri to add the following subsection between the subsections entitled "Permitted Uses" and "Access Requirements:"

Outdoor Display of Merchandise

Purpose:

The purpose of this subsection is to provide reasonable limits on the outdoor display of merchandise in conjunction with a legally operating business. The outdoor display of merchandise is permitted in commercial areas in order to assist the activities of the business, but will be limited so as to not create a public health or safety hazard or a public nuisance.

Standards:

1. Outdoor display of merchandise shall only be permitted in conjunction with an existing permitted use in the G Commercial zoning district. Business must have an approved Occupancy Permit from the City of Ladue and an established business license in good standing with the City.
2. Display items shall be limited to merchandise sold by the business or decorative items which relate to or complement the business.
3. Outdoor merchandise displays shall be maintained in an orderly and attractive manner at all times.
4. Vendors may place one (1) individual sign on each merchandise display fixture with such signs not to exceed one (1) square foot per sign. The placement of larger temporary signage or banners may be allowed with a sign permit acquired according to Section X of the Zoning Ordinance.
5. Outdoor merchandise displays shall not create excessive visual clutter nor shall they be used to distract motorists. The full list of prohibited signage/decorations is listed in Section 130-7 of the Ladue Code of Ordinances.
6. No sound or music amplification device shall be operated in conjunction with outdoor merchandise displays.
7. No additional outdoor lighting shall be allowed in conjunction with outdoor merchandise displays.
8. Outdoor merchandise displays shall not take place within an area required for vehicular circulation, loading areas, emergency vehicle access, or public rights-of-way.

9. Under no circumstance shall an outdoor merchandise display impede the required visibility for pedestrian or vehicular traffic.
10. Unobstructed access shall be provided to all building entrances including at least a 2-foot linear clearance on each side of the building entrance.
11. An unobstructed path at least three (3) feet wide shall be maintained through the display area at all times.
12. Furniture, fixtures, and other equipment shall not be permanently anchored to the sidewalk nor shall they be attached or affixed to any tree, post, sign, or other structure.
13. Outdoor display fixtures shall not exceed five (5) feet in height.
14. Outdoor displays shall not be located in any parking spaces.
15. All sales transactions shall take place within the store.
16. Any outdoor merchandise display not meeting these standards shall be in violation of the Ladue Zoning Ordinance and must be removed.

SECTION 3. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 4. This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

**PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
President, City Council

**APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Rider, City Clerk

BILL NO. 2160

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION VII OF ORDINANCE 1175, THE ZONING ORDINANCES OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, TO REQUIRE THAT ALL NEW NON-RESIDENTIAL DEVELOPMENTS THAT WILL INVOLVE THE CONSTRUCTION OF OVER 7,500 SQUARE FEET OF FLOOR AREA WITHIN A BUILDING ARE REQUIRED TO OBTAIN A SPECIAL USE PERMIT.

**WHEREAS**, the City of Ladue has many small businesses that occupy between 1,000 and 5,000 square feet; and

**WHEREAS**, non-residential buildings that exceed 7,500 square feet can have a significant impact on the community in terms of traffic, increased stormwater runoff from larger paved areas, and aesthetics; and

**WHEREAS**, staff feels that additional review and public input regarding these larger non-residential projects would be beneficial to the community; and

**WHEREAS**, the Zoning and Planning Commission met on May 24<sup>th</sup>, 2017 to review and discuss the proposed text amendment and, finding no opposition to this amendment, voted to recommend approval of this amendment to the Zoning Ordinance by a vote of 6 in favor and 0 opposed; and

**WHEREAS**, a duly noticed and published public hearing was held on July 17, 2017, regarding the proposed amended regulations in conformity with all requirements of Section 89.060 of the Missouri Revised Statutes and Zoning Ordinance 1175; and

**WHEREAS**, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to passage.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

SECTION 1. Amend Section VII.D. of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri to add to the list of uses allowed with a Special Use Permit the following:

New non-residential developments that will involve the construction of at least 7,500 square feet of floor area within a building.

SECTION 2. This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
President, City Council

APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Rider, City Clerk



BILL NO 2161

ORDINANCE NO \_\_\_\_\_

**AN ORDINANCE APPROVING THE "BOUNDARY ADJUSTMENT OF LOTS 2 AND 3 OF NEW ST. LOUIS COUNTRY CLUB SUBDIVISION"**

**WHEREAS**, the City received a request to adjust the boundary lines of two lots in the "New St. Louis Country Club Subdivision"; and

**WHEREAS**, pursuant to Section 94-1 and Article III of Chapter 94, the resubdivision of land constitutes a small subdivision if the lots are under single ownership and the area is sufficient for not more than three building sites; and

**WHEREAS**, pursuant to Section 94-3(b) the city's planning consultant may waive the single ownership requirement for a small subdivision if it involves lot lines of not more than three existing lots; and

**WHEREAS**, the city's planning consultant has recommended waiving the single ownership requirement since the proposed subdivision involves a minor lot line adjustment change to two properties and does not change the size or layout of either lot; and

**WHEREAS**, all parcels meet the minimum lot size for the B zoning district and this action does not propose or require any new public improvements; and

**WHEREAS**, according to the procedure laid out in Section 94-59 for a small subdivision, the preliminary plat for the "Boundary Adjustment of Lots 2 and 3 of New St. Louis Country Club Subdivision" was reviewed and approved by the city planning consultant; and

**WHEREAS**, in accordance with the procedures under Section 94-59, the applicant submitted a final plat for review and the final plat was reviewed and approved by the city planning consultant and submitted to the City Council for final approval; and

**WHEREAS**, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage; and

**WHEREAS**, after review of the application and the staff comments, the City Council finds that the requested lot line adjustment plat constitutes a small subdivision, that all administrative procedures for the granting of a small subdivision have been followed in accordance with Chapter 94 of the Ladue Code, and that the final plat meets the requirements of the City and should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY MISSOURI, AS FOLLOWS:**

**Section 1.** That the attached final plat for the "Boundary Adjustment of Lots 2 and 3 of New St. Louis Country Club Subdivision" as surveyed and certified by the Topos Surveying in the month of June, 2015 and as depicted on the attached Exhibit A, which was duly presented to the City Council, is hereby approved.

**Section 2.** That such approval be endorsed upon such final plat under the hand of the City Clerk and the seal of the City of Ladue, St. Louis County, Missouri, but only after presentation to the City Clerk

of the final plat of said Boundary Adjustment Plat on tracing cloth or mylar with all required signatures and attestations.

**Section 3.** Pursuant to Section 94-6 of the Ladue Code, the subdivider shall record the Lot Consolidation Plat with the St. Louis Recorder of Deeds and then shall promptly furnish to the City Clerk a certificate from the Recorder of Deeds that such approved Lot Consolidation Plat has been duly filed for record.

**Section 4.** This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2017.

\_\_\_\_\_  
President, City Council

ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2017.

\_\_\_\_\_  
Nancy Spewak, Mayor

ATTEST:

\_\_\_\_\_  
Laura Rider, City Clerk

## Exhibit A

**BILL NO. 2162**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING THE "EAST LADUE LANE SUBDIVISION" PLAT**

**WHEREAS**, the City received a request to re-subdivide an existing subdivision – "McPheeters Subdivision" - from the existing two (2) lots into four (4) lots, with another section of the property to be added to a residential lot to the west; and

**WHEREAS**, pursuant to Section 94-1 and Article III of Chapter 94 of the Ladue Code, this action does not meet the description of a small subdivision and is subject to the procedures under Article II of Chapter 94 since this subdivision creates two or more lots and requires the development of a road that will provide access to two or more lots; and

**WHEREAS**, all new or revised subdivision lots meet the minimum lot size for the B zoning district; and

**WHEREAS**, all new or revised subdivision lots meet the procedures and requirements as described in Sections 94-33 and 94-34 of the Ladue Code, with the exception of the requirement in Section 94-34 (4)e that lots with more than five (5) sides should be avoided; and

**WHEREAS**, the applicant has requested, pursuant to Section 94-3 (a) and Section 94-34 (4)e, that the Commission and City Council vary the requirement to avoid five sides lots; and

**WHEREAS**, the applicant explained why the lots were platted with more than five (5) sides and, based on this explanation, the Zoning and Planning Commission found that more than five sided lots were acceptable due to the unique character of the property being subdivided and agreed to modify this requirement, pursuant to Section 94-3 (a) and Section 94-34 (4)e of the Ladue Code of Ordinances; and

**WHEREAS**, according to the procedure laid out in Section 94-33, the applicant received approval from the Zoning and Planning Commission for the preliminary plat of this subdivision in March of 2017; and

**WHEREAS**, according to the requirements in Section 94-33, the subdivision improvements have been approved by the Ladue Public Works Director, the St. Louis Metropolitan Sewer District, and other utilities, and have also been approved by the Zoning and Planning Commission in June of 2017; and

**WHEREAS**, in accordance with the procedures under Section 94-33, applicant submitted a final plat for review which was recommended for approval by the Zoning and Planning Commission in June of 2017; and

**WHEREAS**, an "Escrow Agreement Guaranteeing Subdivision Improvements" has been submitted to the City to guarantee the construction of the subdivision improvements in accordance with Section 94-34 (6)a; and

**WHEREAS**, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage; and

**WHEREAS**, after review of the application and the staff comments, the City Council finds that all administrative procedures for the granting of a subdivision have been followed in accordance with Chapter 94 of the Ladue Code, concurs with the findings and recommendation of the Commission

including to approve the lots with more than five sides, and, therefore, finds that the final plat meets the requirements of the City and should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY MISSOURI, AS FOLLOWS:**

**Section 1.** That the request to create lots with more than five sides is hereby granted and the attached Final Plat for "East Ladue Lane Subdivision" as surveyed and certified by Volz Engineering in the month of May 2017, and as depicted on the attached **Exhibit A**, which was duly presented to the City Council, is hereby approved.

**Section 2.** As a condition of approval of the final plat, the applicant shall enter into, and the Mayor, the City Attorney, and the City Clerk are hereby authorized to approve, a letter of credit or cash escrow and enter into a subdivision improvement agreement in substantially the form set forth in **Exhibit B** attached hereto and incorporated herein by reference (the "Guarantee Agreement"), which Guarantee Agreement guarantees the construction, installation, completion, and maintenance of subdivision improvements in this development.

**Section 3.** Upon the City's receipt of the complete and fully executed Guarantee Agreement from the applicant, the approval of such Final Plat shall be endorsed upon such Final Plat under the hand of the City Clerk and the seal of the City of Ladue, St. Louis County, Missouri, but only after presentation to the City Clerk of the Final Plat of said Subdivision Plat on tracing cloth or mylar with all required signatures and attestations.

**Section 4.** Pursuant to Section 94-6 of the Ladue Code, the subdivider shall then record the endorsed Subdivision Final Plat with the St. Louis Recorder of Deeds and then shall promptly furnish to the City Clerk a certificate from the Recorder of Deeds that such approved Subdivision Final Plat has been duly filed for record.

**Section 5.** The Final Plat approval is further subject to compliance with all applicable provisions of this Ordinance, the Subdivision and Zoning Regulations of the City, the approved improvement plans, and the Guarantee Agreement by the applicant and its successors and assigns.

**Section 6.** This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

**PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2017.**

\_\_\_\_\_  
President, City Council

**ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2017.**

\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Rider, City Clerk

## Exhibit A

Exhibit B

**ESCROW AGREEMENT  
GUARANTEEING SUBDIVISION IMPROVEMENTS  
BETWEEN THE CITY OF LADUE, MISSOURI AND  
JOHN MCPHEETERS**

**THIS DEPOSIT AGREEMENT** ("ESCROW AGREEMENT"), is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2017, by JOHN MCPHEETERS (hereinafter referred to as the "DEVELOPER") and the CITY OF LADUE, MISSOURI (hereinafter referred to as the as "CITY").

**WITNESSETH:**

**WHEREAS**, the DEVELOPER has submitted required plans, information and data to the CITY for the creation and development of a subdivision to be known as EAST LADUE LANE (hereinafter referred to as the "Subdivision") and requested approval of the same, and

**WHEREAS**, a Preliminary Plat for the Subdivision (the "Preliminary Plat") and the improvement plans for the Subdivision have been submitted to the CITY together with the estimated costs of construction, installation and completion of the Subdivision Improvements, all in accordance with the CITY's subdivision regulations; and

**WHEREAS**, the establishment of a guarantee of completion of the Subdivision Improvements is required as a condition of the final plat for the Subdivision; and

**WHEREAS**, the DEVELOPER desires to establish the Subdivision Improvement guarantees in the form of this ESCROW AGREEMENT which shall require completion of such improvements within ONE (1) year hereof, unless otherwise extended by the CITY PLANNER; and,

**NOW, THEREFORE**, in consideration of the covenants, promises, and agreements herein provided,

**IT IS HEREBY MUTUALLY AGREED:**

1. The DEVELOPER, has deposited an ESCROW AMOUNT with OLD REPUBLIC TITLE COMPANY in the sum of FOUR HUNDRED FIFTY-THREE THOUSAND, SIX HUNDRED FIVE dollars (\$453,605.00) (the "DEPOSIT SUM") guaranteeing the construction, installation, maintenance, and completion of all required Subdivision improvements, all in accordance with the plans approved by the CITY and on file with the CITY PLANNER (the "Approved Improvement Plans") and in accordance with the CITY ordinances regulating the same. The DEPOSIT SUM shall consist of an amount equal to 110% of the *estimated* costs of the construction, completion, and installation of the Subdivision required improvements ("ESTIMATED COSTS") as set forth on the attached Estimate Sheet (**Exhibit 1**). Nothing in the estimates or specification of component items shall in any way limit the CITY or require release based on each line item, and DEVELOPER agrees it continues to be obligated to compete and guarantee completion of

all Subdivision Improvements. The CITY and DEVELOPER agree that the DEPOSIT SUM shall guarantee the construction, installation, completion and maintenance of the required subdivision improvements in the Subdivision, all in accordance with the approved plans therefore and in accordance with the ordinances of the CITY regulating the same.

2. The DEPOSIT SUM guarantees the construction, installation, maintenance, and completion of all Subdivision Improvements in accordance with the Approved Improvement Plans which are incorporated in this ESCROW AGREEMENT by reference and as summarized in the attached Exhibit 1 and as required by the ordinances and regulations of the CITY. Any release of part of or a portion of the DEPOSIT SUM is only an accommodation to the DEVELOPER and is not a waiver of any kind by the CITY of its rights under the ESCROW AGREEMENT that the entire DEPOSIT SUM guarantees each and every improvement.

3. In the event the DEPOSIT SUM herein provided is insufficient to complete Subdivision Improvements as reasonably determined by the CITY, the DEVELOPER will, upon demand by the CITY accompanied by a detailed itemization of the requested additional sum, deposit with the CITY additional monies which, in the opinion of the CITY, will be required to complete Subdivision Improvements, and said additional sum shall be subject to the terms of this ESCROW AGREEMENT. In the event that the DEVELOPER does not deposit the additional monies with the CITY within 10 days or does not request a hearing from the CITY within that time, the Subdivision shall be deemed in default and/or abandoned as set forth in paragraph 8.

4. The DEVELOPER guarantees: (a) that all required utilities and improvements will be installed, constructed and completed in accordance with the Approved Improvement Plans and the ordinances of the CITY not later than **one year** after the date of this Agreement Date appearing on the signature page below ("Completion Date"), and (b) that the Subdivision, including all lots, common ground, streets, and improvements, and all adjacent streets used for the hauling of construction equipment, materials, and supplies will be safeguarded, protected and kept free of associated mud, trash, weeds, and debris during the construction period and otherwise properly maintained, and constructed all in accordance with City Code and approved plans.

5. (a) That the CITY may, through written authorization of the CITY PLANNER, release or reduce portions of the DEPOSIT SUM upon completion of components within categories and shall release corresponding portions of the DEPOSIT SUM upon completion of categories of improvements as provided that a qualified, licensed engineer employed by the DEVELOPER certifies to the CITY the completion of such work; PROVIDED FURTHER that in no event shall the CITY release any part of the DEPOSIT SUM except as provided herein:

(b) In order to obtain such written authorization for a release, upon completion of any such category of improvement the DEVELOPER shall first make written request for inspection, and include therewith a certification by the DEVELOPER's engineer, to the CITY PLANNER (or the appropriate inspecting authority). Upon receipt of the DEVELOPER's written request for inspection and certification by the DEVELOPER's engineer, the CITY (or the appropriate inspecting authority) shall (i) inspect the construction, installation, and completion of the Improvement(s) that have been certified complete by the DEVELOPER.



Upon receipt of the inspection report, the CITY PLANNER will review the report, verify that the Subdivision Improvement complies with all laws and requirements of the CITY, and authorize such release.

(c) Except for discretionary releases that may be granted by the CITY PLANNER in the public interest, no category of any Subdivision Improvement shall be eligible for release until each and every component and requirement that makes up that category of Subdivision Improvement is deemed complete by the City. No category or subdivision may be deemed to be complete until there is a certification by the CITY that the project is complete. No certification shall be issued by the CITY unless all of the following takes place: (i) the DEVELOPER submits a written request to the CITY for inspection of the Subdivision Improvements; (ii) the inspection is completed by the CITY's inspector who determines that the Subdivision Improvement are complete and recommends to the CITY PLANNER that it be released; and (iii) the CITY PLANNER reviews the CITY's inspection report, determines that the Subdivision Improvement complies with all laws and requirements of the CITY, and authorizes such release.

(d) Upon certification by the CITY that the construction and installation of a category of Subdivision Improvement is complete (in accordance with §5(b) and (c) above), the CITY shall authorize the release of the ESTIMATED COST originally retained for that category *minus* a maximum retention of five percent (5%), as otherwise provided in this Section 5. The DEVELOPER shall not be released of any responsibility for installation, construction, completion, or maintenance for the required improvements, irrespective of any release that may have been issued based on specific improvements or inspections, prior to final approval of all improvements and release of the entire DEPOSIT SUM for all categories.

(e) IN NO EVENT SHALL the CITY be required to release, disburse or otherwise dispose of more than ninety-five percent (95%) of the DEPOSIT SUM, until the CITY has certified as provided herein that all categories of Subdivision Improvements have been completed in accordance with the Approved Improvement Plans and the regulations and ordinances of the CITY and the "as built drawings" have been approved by the CITY.

6. Upon completion of all of the Subdivision Improvements and prior to final release the DEVELOPER shall submit to the CITY PLANNER three (3) copies of "as built" drawings which show the actual installation of the said improvements, and that if after the CITY PLANNER or her designee reviews the "as built" drawings submitted it reasonably determines that all of the improvements have been completed and, as applicable, accepted by the respective utilities, then the Community Development Director shall approve the "as built" drawings. This Agreement shall not be deemed to create any commitment by the CITY to accept any improvement for dedication and maintenance.

7. Upon approval of the "as built" drawings and completion of the final improvements and certifications required, the final DEPOSIT SUM amounts shall be released not later than the sooner of (1) expiration of SIX (6) months after acceptance of the improvements by the CITY.

8. In the event the DEVELOPER shall be in default or abandon the Subdivision, or fail to complete the obligations herein, including, but not limited to, the failure to complete the Subdivision Improvements by the Completion Date, or the failure to properly maintain the

improvements, including keeping the Improvements free of mud, debris, erosion, or otherwise, whichever occurs first, the DEVELOPER shall forfeit to the CITY the then current balance of the DEPOSIT SUM or any portion thereof, along with any additional sums deposited pursuant to paragraph 3 above, which funds the CITY may thereafter use to complete the Subdivision Improvements or otherwise rectify the DEVELOPER's failure hereunder. The CITY may further apply such necessary amount of the DEPOSIT SUM to remedy any failure of the DEVELOPER to perform its maintenance obligations in the Subdivision. For the purpose of this Agreement and the CITY's rights hereunder, any and all of the remaining DEPOSIT SUM may be applied to completion or maintenance of any improvements, and no limitation of any kind shall be implied from the line item calculations of separate improvements. If the CITY is required to remedy any failure of the DEVELOPER to perform its Maintenance Obligations during this Agreement, the CITY may also require DEVELOPER to provide the CITY with additional monies as may be needed as set forth in paragraph 3 herein.

9. Exercise or waiver by CITY of any enforcement action under this Agreement or the CITY's Code does not waive or foreclose any other or subsequent enforcement action whatsoever. The DEPOSIT SUM and/or deposit placed under this Agreement shall be governed by the provisions of the Subdivision Code, Chapter 94 of the Ladue Code, and the DEVELOPER agrees to the provisions thereof as if set forth herein. The CITY shall be entitled to its costs, including reasonable attorneys' fees, in enforcement of DEVELOPER'S obligations under this Agreement.

10. Nothing in this Agreement is deemed to create a third-party beneficiary or benefit any party besides the parties to this Agreement.

11. The CITY and DEVELOPER hereby accept this agreement as a lawful and satisfactory ESCROW AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals this \_\_\_\_\_ day of \_\_\_\_\_, 2017 ("Agreement Date").

ACCEPTED:

**CITY OF LADUE, MISSOURI**

By: \_\_\_\_\_

Dated: \_\_\_\_\_

ATTESTED:

\_\_\_\_\_  
City Clerk

**[Owner/Developer]**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

STATE OF MISSOURI     )

)

ss:

COUNTY OF ST. LOUIS    )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2017, before me appeared \_\_\_\_\_, personally known, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_, a corporation of the State of Missouri, and that the foregoing instrument was signed and sealed on behalf of said corporation, by authority of its Board of Directors, and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

## Exhibit 1

### Subdivision Improvement Cost Estimates

<b>Clearing</b>	
Street, Detention, watermain, access to Lot 3. includes equipment, labor and haul off	\$ 18,800
<b>Street Grading, includes compaction and soils engineering</b>	\$ 12,600
<b>Storm Sewers w/ bedding and flaired end structures for Lot 1, Lot 2</b>	
Street detention, street storm	\$ 60,800
Manhole and Area Inlets	\$ 8,000
Street Detention Structure	\$ 7,800
Rip Rap Revet, lot 1, Lot 2, Street Detention and Street Storm	\$ 12,800
Three (3) Sanitary tie in tap fee	\$ 4,200
Machine tap and 10'-0" lateral	\$ 4,500
Street 20' wide 7" type X and 2" type C 8" rock base (construction) installed	\$ 113,450 \$ 16,700
8" Water main	\$ 63,000
Street repairs / Crossing	\$ 3,400
<b>Street Detention</b>	
Grading	\$ 5,200
Bio retention basin, excavation, underdrain, soil mix, plantings	\$ 11,800
<b>Siltation Control</b>	
includes temp. detention area at street and on Lot 3.	\$ 9,500
Maintain Siltation Control	\$ 4,000
Seed and Straw disturbed areas	\$ 7,000
Site Improvement management / Overhead	\$ 27,800
Project Supervision	\$ 12,600
<b>Total</b>	<b>\$ 403,950</b>

**RESOLUTION NO. 2017-13**

**A RESOLUTION AMENDING THE CITY OF LADUE PERSONNEL ADMINISTRATION MANUAL "SUBJECT – ORGANIZATION FOR PERSONNEL MANAGEMENT" BY REPLACING THE EXISTING ORGANIZATIONAL CHART WITH AN UPDATED ORGANIZATIONAL CHART.**

**WHEREAS**, the City of Ladue previously adopted a Personnel Administration Manual; and

**WHEREAS**, from time to time the policies, procedures and guidelines contained in the manual may be amended or rescinded, or new policies, procedures and guidelines may be added; and

**WHEREAS**, over the course of time various advisory boards and committees have completed their assigned tasks or have become inactive; and

**WHEREAS**, in March 2015, with the retirement of the City Clerk/Assistant to the Mayor, departmental organization was evaluated, and as a result of this evaluation, oversight of the Building Department was assigned to the Public Works Director; and

**WHEREAS**, staff has recommended that the organizational chart contained in the manual be updated to reflect the current organizational structure of City departments; and

**WHEREAS**, the City Council now desires and finds it in the best interest of the City to adopt an updated organizational chart.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LADUE, MISSOURI, AS FOLLOWS:**

**Section 1.** The City Council hereby adopts an updated Organizational Chart, in substantially the form of Exhibit A.

**Section 2.** This Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

**Adopted by the City Council and approved by the Mayor on this 17th day of July 2017.**

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**Nancy Spewak, Mayor**

**ATTEST:**

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Laura Rider, City Clerk

**Exhibit A**  
**Organizational Chart**

21

18

20

CITIZENS OF LADUE

CITY COUNCIL

MAYOR

ASSISTANT TO THE MAYOR/CITY CLERK

ADVISORY BOARDS, COM-  
MISSIONS & COMMITTEES  
APPOINTED BY MAYOR AND  
APPROVED BY CITY  
COUNCIL

POLICE  
DEPARTMENT

FIRE  
DEPARTMENT

ADMINISTRATIVE  
DEPARTMENT

PUBLIC WORKS  
DEPARTMENT  
Building  
Department

CITY OFFICIALS AP-  
POINTED BY MAYOR &  
APPROVED BY CITY  
COUNCIL

Architectural Review Board  
Board of Fire and Police Commissioners  
Board of Trustees, Firemen and Policemen Pension Fund  
Finance, Revenue and Taxation Committee  
Insurance Committee  
Public Works Committee  
Retirement Committee, Non-Uniformed Employees' Retirement Fund  
Storm Water Advisory Committee  
Zoning Board of Adjustment  
Zoning and Planning Commission

--City Attorney  
--City Collector  
--Municipal Judge  
--Prosecuting Attorney  
--Treasurer  
--Assistant Treasurer

Note: Functions on this chart report to the Mayor, then from the Mayor to the City Council, whenever required by City Ordinances.

## RESOLUTION NO. 2017-14

### A RESOLUTION AMENDING THE CITY OF LADUE PERSONNEL ADMINISTRATION MANUAL BY ESTABLISHING A POLICY FOR ADMINISTRATION OF THE EMPLOYEE ASSISTANCE PROGRAM.

**WHEREAS**, the City of Ladue previously adopted a Personnel Administration Manual; and

**WHEREAS**, from time to time the policies, procedures and guidelines contained in the manual may be amended or rescinded, or new policies, procedures and guidelines may be added; and

**WHEREAS**, the City Council approved the implementation of an enhanced Employee Assistance Program (EAP) on June 20, 2016 and now finds it necessary to adopt a policy in order to administer the EAP;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LADUE, MISSOURI, AS FOLLOWS:**

**Section 1.** The City Council hereby amends the Personnel Administration Manual by adding a policy for the administration of the Employee Assistance Program which shall read as follows:

#### **SUBJECT: EMPLOYEE ASSISTANCE PROGRAM**

**POLICY:** The Employee Assistance Program (EAP) is a professional and confidential counseling service for employees and family members paid for by the City of Ladue. In providing such service and benefits for employees and their eligible dependents, the City recognizes that the EAP is a proactive resource with direct impact on personnel costs such as lost work time, absenteeism, disability and performance. Therefore, it is in the best interest of employees and the City when employees are able to address personal issues that have a direct bearing on job performance.

The EAP is administered through a private firm specializing in Employee Assistance Programs. The firm does not divulge information about employees who use the program. Any employee who wishes to share information with the City must sign a release of information to allow that process to occur. Employees should note that if the EAP determines that there is a threat of serious harm to the employee or to others, the EAP may be required by law to report the situation to the proper authorities.

Employees may decide independently to contact the EAP without involving the City.

In addition, a supervisor may refer an employee to the EAP when the employee has a work performance problem that might be resolved by personal assistance available through the EAP. When making such a referral, supervisors should document such referral and the performance issues to be addressed through a written performance improvement memorandum or plan.

Public employees, particularly police officers and other first responders, confront very stressful or traumatic situations at times and must deal with the aftereffects. Therefore, a supervisor or Department Head shall mandate EAP attendance for any employee involved in such an event. Such referral shall occur as soon as practicable following the event.

Employees who are referred to EAP or mandated to attend EAP by a supervisor or Department Head shall not be required to use paid leave to attend EAP appointments.

Failure to attend EAP sessions as mandated by an employee's supervisor or Department Head may be cause for disciplinary action. If mandated by the City, the City will confirm with the EAP attendance and completion of the mandated sessions. The company assisting the employee will still treat the counseling as confidential unless the employee authorizes the EAP counselor to confer with the employee's supervisor, Department Head or other official.



Working with EAP does not automatically exempt the employee from appropriate disciplinary action for continuing job-performance issues or other conduct or reasons.

**Section 2.** This Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

**Adopted by the City Council and approved by the Mayor on this 17th day of July 2017.**

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**Nancy Spewak, Mayor**

**ATTEST:**

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Laura Rider, City Clerk

**RESOLUTION NO. 2017-15**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF LADUE, MISSOURI A CONTRACT WITH MICROSURFACING CONTRACTORS, LLC. FOR THE 2017 MICROSURFACING PROJECT.**

**WHEREAS**, on June 27, 2017, the City of Ladue sent out a request for bids for the 2017 Microsurfacing Project for the application of microsurfacing on Old Warson Road between North Rock Hill Road to Woodlawn and on Woodlawn from Old Warson to the southern municipal limits in the City of Ladue in accordance with the bid documents and specifications ("Project"); and

**WHEREAS**, staff reviewed the bid submittals obtained on July 12, 2017, and after evaluation of the same in accordance with the City's competitive bidding requirements, found that Microsurfacing Contractors, LLC. submitted the lowest and best bid that met the City's needs; and

**WHEREAS**, the City Council now desires and finds it in the best interest of the City to enter into a contract with Microsurfacing Contractors, LLC for the Project as the lowest and best bidder.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LADUE, MISSOURI, AS FOLLOWS:**

**Section 1.** The City Council hereby authorizes the Mayor to execute on behalf of the City a contract with Microsurfacing Contractors, LLC to microsurface Old Warson Road between North Rock Hill Road and Woodlawn and on Woodlawn from Old Warson to the southern municipal limits in substantially the form of Exhibit A incorporated herein by reference (the "Contract"), including all documents specified in the Contract as being part of the Contract Documents.

**Section 2.** The requirements of Section 292.675 RSMo., and the OSHA requirements, penalties, and obligations in the Contract, are hereby incorporated herein by reference and made a part of this Resolution for all purposes.

**Section 3.** The requirements of Section 290.210 RSMo., and the prevailing wage requirements and obligations in the Contract, are hereby incorporated herein by reference and made a part of this Resolution for all purposes. Additionally, a copy of Annual Wage Order for St. Louis County No. 24, being the applicable prevailing wage order for the Project, is part of the Contract Documents and incorporated herein by reference.

**Section 4.** This Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

**Adopted by the City Council and approved by the Mayor on this 17th day of July 2017.**

\_\_\_\_\_  
**Nancy Spewak, Mayor**

**ATTEST:**

\_\_\_\_\_  
Laura Rider, City Clerk

**Exhibit A**  
**The Contract**

**RESOLUTION NO. 2017-16**

**A RESOLUTION ADOPTING THE 2017 FIVE-YEAR IMPLEMENTATION PROGRAM FOR THE CITY OF LADUE'S AS PART OF THE STORM WATER MANAGEMENT PROGRAM**

**WHEREAS**, on August 18, 2016, City Council approved Bill No. 2137, ordinance for Storm Water Control as recommended by the Storm Water Advisory Committee that outlined processes and procedures for the development of a Storm Water Master Plan and accompanying Implementation Plan; and

**WHEREAS**, the Storm Water Advisory Committee is specifically tasked with oversight and review of the development of the Storm Water Master Plan and the Five-Year Implementation plan and has met on six occasions since adoption of Bill No. 2137 to perform same; and

**WHEREAS**, the draft of the Storm Water Master Plan, as prepared by the City's Stormwater engineering consultant, HR Green, was formally presented to the Storm Water Advisory Committee on April 13, 2017, the City Council on April 25, 2017, and the Public at a series of Public Open House meetings held at City Hall from 4:00 pm – 7:00 pm on April 25, 2017, May 2, 2017, and May 4, 2017; and

**WHEREAS**, the City's Engineering Consultant, HR Green, updated the Storm Water Master Plan in accordance with feedback received from the Storm Water Advisory Committee, City Council, and the Public and presented the revised plan along with the draft 2017 Five-Year Implementation Plan to the Storm Water Advisory Committee on June 15, 2017; and

**WHEREAS**, the Storm Water Advisory Committee met on July 7, 2017 to review the updated draft 2017 Five-Year Implementation Plan and voted to recommend adoption of the 2017 Five-Year Implementation Program to the City Council of the City of Ladue for their approval; and

**WHEREAS**, the City Council now desires and finds it in the best interest of the City to approve the 2017 Five-Year Implementation Program for the City of Ladue as part of the Storm Water Management Program and in accordance with Bill No. 2137.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LADUE, MISSOURI, AS FOLLOWS:**

**Section 1.** The City Council hereby authorizes the Director of Public Works to include the projects as outlined in the 2017 Five-Year Implementation Program in the 2018 Storm Water Budget as well as the long-term Storm Water fund budget

**Section 2.** This Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

**Adopted by the City Council and approved by the Mayor on this 17th day of July 2017.**

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**Nancy Spewak, Mayor**

**ATTEST:**

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Laura Rider, City Clerk

RESOLUTION NO. 2017- 17

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE TOLLING AGREEMENTS AND GRANTING FURTHER AUTHORITY**

**WHEREAS**, the City has initiated audits to determine the existence or extent of possible underpayment of the gross receipts license tax by telephone companies operating in the City ("Audits");

**WHEREAS**, the City and New Cingular Wireless PCS, LLC desire to enter into a tolling agreement, as more fully described in Exhibit A attached hereto ("New Cingular Wireless Tolling Agreement"), and the Council finds it in the best interest of the City to enter into such tolling agreement;

**WHEREAS**, the City and T-Mobile Central, LLC desire to enter into a tolling agreement, as more fully described in Exhibit B attached hereto ("T-Mobile Tolling Agreement"), and the Council finds it in the best interest of the City to enter into such tolling agreement;

**WHEREAS**, in the course of conducting the Audits, the City may require additional tolling agreements with other telephone companies and the Council finds it in the best interest of the City to enter into such tolling agreements substantially in the same form as that approved in Exhibit A and Exhibit B; and

**WHEREAS**, in the course of conducting the Audits, the City may be required, as authorized by law, to compel by subpoena the production of books, papers, and other evidence for the purpose of investigating the existence or extent of possible underpayment of the gross receipts license tax on telephone companies.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LADUE, MISSOURI AS FOLLOWS:**

**Section 1.** The City Council hereby authorizes the Mayor to execute on behalf of the City the New Cingular Wireless Tolling Agreement, substantially in the form attached hereto as "Exhibit A", and the T-Mobile Tolling Agreement, substantially in the form attached hereto as "Exhibit B," and hereby further authorizes the Mayor to execute on behalf of the City tolling agreements substantially in the form of Exhibits A and B with other telephone companies as required during the course of the Audits.

**Section 2.** The City Council hereby authorizes the Mayor to issue as necessary during the course of the Audits and compel by subpoena the production of telephone companies' books, papers, and other evidence for the purpose of investigating the existence or extent of possible underpayment of the gross receipts license tax on telephone companies.

**Section 3.** The City Council hereby authorizes the Mayor and Special Legal Counsel to take all such further actions as may be necessary to carry out the intent of this Resolution and the Audits.

**Section 4.** This Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

**Adopted by the City Council and approved by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Rider, City Clerk

**EXHIBIT A**

**NEW CINGULAR WIRELESS TOLLING AGREEMENT**